

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ANDREW E. GRAYBEAL,)	
)	
Plaintiff,)	
)	
v.)	No. 3:04-CV-274
)	(VARLAN/SHIRLEY)
CHESTERFIELD FINANCE COMPANY and)	
BOOKKEEPING SERVICES COMPANY,)	
)	
Defendants.)	

MEMORANDUM & ORDER

This matter is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by the Order [Doc. 26] of the Honorable Thomas A. Varlan, United States District Judge, for disposition of Defendant Bookkeeping Services Co.'s Motion to Extend Time for Daubert Motion/Hearing Pursuant to Court Scheduling Order [Doc. 24] and the Motion to Clarify Court's Memorandum and Order Granting Plaintiff's Motion to Extend Expert Disclosure Deadline [Doc. 25].

Because the Court extended the expert disclosure deadline until August 29, 2005, the defendant Bookkeeping Services Co. ("Bookkeeping") requests that the Court also extend the deadline for Daubert hearings and motions. [Doc. 24]. The plaintiff failed to file a response to Defendant's motion within the time period required by E.D.TN. LR 7.1(a). "Failure to respond to a motion may be deemed a waiver of any opposition to the relief sought." E.D.TN. LR 7.2. For good cause shown, the defendant's Motion to Extend Time for Daubert Motion/Hearing Pursuant

to Court Scheduling Order [Doc. 24] is **GRANTED**. The parties shall have until **September 13, 2005** to file Daubert motions or request a Daubert hearing with respect to the initial expert disclosures.

Bookkeeping further moves the Court to amend its Order [Doc. 22] to reflect that the defendant shall have additional time to disclose any expert witnesses or, in the alternative, that the defendant shall have an additional thirty days beyond August 29, 2005 to disclose any rebuttal experts pursuant to Fed. R. Civ. P. 26(a)(2)(C). [Doc. 25]. The plaintiff has not filed any response to this motion.

For good cause shown, the defendant's Motion to Clarify Court's Memorandum and Order Granting Plaintiff's Motion to Extend Expert Disclosure Deadline [Doc. 25] is **GRANTED IN PART**, to the extent that all parties shall have until **September 13, 2005** to disclose any rebuttal experts. The parties shall have until **September 29, 2005** to file any Daubert motions or request a Daubert hearing with respect to the rebuttal experts.

The defendant's request for an extension of time for the defendant to disclose non-rebuttal experts is **DENIED**. The plaintiff and the defendants shall be required to file their initial, non-rebuttal experts by **August 29, 2005**, as previously ordered.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge